

### **REMARKS**

The Official Action mailed October 28, 2010, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on September 27, 2006, January 15, 2009 and February 12, 2010.

A further Information Disclosure Statement is submitted herewith and consideration of this Information Disclosure Statement is respectfully requested.

Claims 1-22 are pending in the present application, of which claims 1, 6, 9, 10 and 13 are independent. Claims 6, 19 and 22 have been amended to better clarify the features of the present invention. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

Paragraph 2 of the Official Action rejects claim 6 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 6 has been amended in accordance with the suggestion in the Official Action. Claim 6 is now concise and definite. Reconsideration and withdrawal of the rejection is respectfully requested.

Paragraph 3 of the Official Action rejects claim 13 under 35 U.S.C. § 112, second paragraph, as allegedly failing to comply with the enablement requirement, but then goes on to state specifically that the claim allegedly lacks proper antecedent basis. Applicant respectfully traverses this rejection.

As a preliminary matter, the reference to lack of enablement appears misplaced because enablement is covered under 35 U.S.C. § 112, first paragraph, not second paragraph. Because no specific grounds for lack of enablement are provided, the reference to lack of enablement appears improper. Applicant will thus not further address enablement of claim 13 at this time.

The rejection based on an alleged lack of antecedent support also appears to be improper. In this regard, Applicant disagrees that the claimed "a packing material..." lacks antecedent support. In particular, current claim 13 properly introduces "a packing material" and further specifies that the packing material is "provided with the resonance circuit." Thus, claim 13 as it stands has proper antecedent support and is concise and definite. Reconsideration and withdrawal of the rejection is in order and respectfully requested.

Paragraph 5 of the Official Action rejects claim 22 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Claim 22 is amended consistent with the suggestion in the Official Action to switch "the second packing" to "the first packing." Claim 22 is now fully supported by and enabled by the disclosure. Reconsideration and withdrawal of the rejection is in order and respectfully requested.

Paragraph 7 of the Official Action rejects claims 1-8 and 20-21 as obvious based on the combination of U.S. Publication No. 2004/0082296 to Twitchell and U.S. Publication No. 2005/0001718 to Asauchi. Paragraph 8 of the Official Action rejects claims 9, 11 and 13-19 as obvious based on the combination of Twitchell, U.S. Publication No. 2007/0176773 to Smolander and U.S. Publication No. 2004/0164302 to Arai. Paragraph 9 of the Official Action rejects claims 10-12 and 22 as obvious based on Twitchell and Arai. The Applicant respectfully traverses the rejections because the Official Action has not made a *prima facie* case of obviousness and/or a *prima facie* case of obviousness cannot be maintained against the independent claims of the present application, as amended.

As stated in MPEP §§ 2142-2144.04, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some reason, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some reason to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

With respect to independent claims 1, 6, 9, 10 and 13, the prior art, either alone or in combination, does not teach or suggest all the features of the independent claims.

In the rejection of independent claims 1, 6 and 10, the Official Action alleges that Twitchell teaches at least a LPRF 110 as a claimed first resonance circuit (or as a claimed second resonance circuit in claim 10), a MLG 180 as a claimed second resonance circuit (or as a claimed first resonance circuit in claim 10) and a RFT 130 as a claimed semiconductor device. However, the claimed invention recites "wherein the **first** resonance circuit (**second** resonance circuit in claim 10) **can communicate with** the second resonance circuit (first resonance circuit in claim 10) and **the semiconductor device.**" However, Twitchell does not teach or suggest the possibility of communication between the LPRF 110 and the RFT 130, while the MLG appears to be able to communicate with the LPRF 110 and the RFT 130. Therefore, Twitchell fails to teach all claimed features. The secondary references do not overcome the deficiency of Twitchell.

Additionally, regarding the second resonance circuit (first resonance circuit in claim 10), the Official Action relies on a non-contact tag of Asauchi, and/or a thin film integrated circuit of Arai. However, Twitchell's MLG 180, which the Official Action alleges corresponds to the claimed second resonance circuit (first resonance circuit in claim 10), is "a mobile locating Gateway," as shown in paragraph [0053]. Twitchell

discloses that the "Gateway includes at least a network interface and an RF interface for communication with Wireless Reader Tags of the ad hoc networks" in paragraph [0046]. Asauchi, Smolander and Arai do not teach, suggest or relate to a gateway or components of a gateway. Therefore, a person having ordinary skill in the art would not have been motivated to replace Twitchell's gateway with a non-contact tag, an RFID or a thin film integrated circuit, as alleged. Accordingly, the Official Action fails to provide a reasonable rationale to combine Asauchi, Smolander or Arai with Twitchell.

Because Twitchell, Asauchi, Arai and Smolander do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained with respect to independent claims 1, 6 and 10. Therefore, Applicant believes the rejections of claims 1, 6 and 10 and claims dependent therefrom are not proper.

In the rejection of independent claims 9 and 13, the Official Action alleges that the MLG 180 or the LPRF 110 corresponds to the claimed resonance circuit, and that the RFT 130 corresponds to the claimed semiconductor device. Applicant respectfully disagrees.

If LPRF 110 corresponds to the claimed resonance circuit, as alleged, Twitchell still fails to teach or suggest that the LPRF 110 can communicate with the RFT 130, as discussed above. Alternatively, if MLG 180 is considered to correspond to the claimed resonance circuit, there is no suggestion or motivation to switch the MLG (gateway) 180 to an RFID as in Smolander, and/or a thin film integrated circuit of Arai, as discussed above. Therefore, Applicant believes the rejections of claims 9 and 13 and claims dependent therefrom are not proper.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized to charge fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(a), 1.20(b), 1.20(c), and 1.20(d) (except the Issue Fee) which may be required now or hereafter, or credit any overpayment to Deposit Account No. 50-2280.

Respectfully submitted,



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Eric J. Robinson  
Reg. No. 38,285

Robinson Intellectual Property Law Office, P.C.  
3975 Fair Ridge Drive  
Suite 20 North  
Fairfax, Virginia 22033  
(571) 434-6789